



**Virginia
Regulatory
Town Hall**

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	20
VAC Chapter Number:	21
Regulation Title:	Licensure Regulations for School Personnel
Action Title:	American Sign Language
Date:	4/17/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Board of Education intends to amend the Licensure Regulations for School Personnel. The primary purpose for licensing teachers and other school personnel is to maintain standards of professional competence. The licensure regulations set forth competencies required of instructional personnel in Virginia. The Board of Education has approved instruction in American Sign Language (ASL) for foreign language credit toward an advanced studies diploma; therefore, requirements to teach ASL need to be established to ensure that students taking the courses are taught by teachers who are prepared in the area of American Sign Language.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory

action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title." (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>)

Section 22.1-298 of the Code states: "The Board of Education shall, by regulation, prescribe the requirements for licensure of teachers. Regardless of the authority of other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education." (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-298>)

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The Board of Education approved a change in the current Licensure Regulations for School Personnel as a result of the Board's action to permit, at the local division's discretion, courses in American Sign Language (ASL) to count as foreign language credit toward an advanced studies diploma. A student may take three courses in ASL (Levels I, II, and III) for foreign language credit. As a result of this action, the requirements for teachers who teach ASL courses need to be established to ensure that students taking the courses are taught by qualified teachers. The proposed changes set forth the knowledge and competencies needed by teachers of such courses.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The choices considered included: (1) establishing regulations for licensure for teachers of American Sign Language (ASL) or (2) requiring a license for teachers of ASL but not specifically in the area of American Sign Language.

In reviewing the alternatives, the first choice provides for the preparation of teachers of American Sign Language. This preparation is essential as students can complete three years of

instruction in ASL to count toward foreign language credit. The second alternative is not appropriate because it would not maintain the appropriate level of professional competence for license holders teaching ASL.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The Board of Education's policy on ASL courses specifies that local school divisions must make clear to parents and students that some, but not all, colleges and universities accept ASL for foreign language credit. School divisions offering three years of instruction in American Sign Language should include this information in all course of study documents. Hence, the regulations are consistent with the Board of Education's policy that parents should be fully informed about the nature of and the requirements for the ASL courses.

These regulations are anticipated to have no impact on family stability, family income, or the institution of the family. The provision is expected to give students and their families additional options for academic studies for completing high school diploma requirements. The provision will also give the parents of public school students additional assurances that teachers meet high standards of professional competence.